IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EBER GRAMAJO,

Petitioner,

v.

MARK NOOTH,
Superintendent, Snake River Correctional Institution,

Defendant.

Case No. 2:15-cv-2341-YY

OPINION AND ORDER

MOSMAN, J.,

On March 29, 2019, Magistrate Judge Youlee Yim You issued her Order [70], directing that Petitioner's Motion for Discovery [55] be DENIED. Petitioner objected [86], and Defendant filed a response [92].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are

addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). If the magistrate judge has ruled on a non-dispositive matter, her decision is modified only if clearly erroneous or contrary to law. The court is not required, however, to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the order to which no objections are addressed. *Id.* While the level of scrutiny under which I am required to review the order depends on whether objections have been filed, in either case, I am free to accept, reject, or modify any part of the order. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's order and I DENY Petitioner's Motion for Discovery [55].

IT IS SO ORDERED.

DATED this 25 day of September, 2019.

MICHAEL W. MOSMAN
Chief United States District Judge